

COASTAL COORDINATION ACT

CHAPTER 757⁵³

S. B. No. 577

An Act relating to coastal natural resource areas as defined in the Act; directing the Natural Resources Council to report to the governor and the legislature on coastal problems; designating the governor to report to the 66th Legislature on the effect of this state's seeking federal certification of the Texas Coastal Management Program pursuant to Section 306 of the Coastal Zone Management Act of 1972; repealing all expressly conflicting laws; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Short title

Section 1. This Act may be cited as the Coastal Coordination Act of 1977.

Policy

Sec. 2. (a) It is hereby declared to be the policy of this state to make more effective and efficient use of public funds and public facilities in coastal natural resource areas, and to better serve the people of Texas by:

(1) continually reviewing the principal coastal problems of state concern, the performance of state coastal programs, and the measures required to resolve identified coastal problems; and

(2) making the state's many existing coastal management processes more visible, accessible, and accountable to the people of Texas.

(b) It is hereby declared to be the policy of this state that the chief executive officer of the state should represent the State of Texas in discussions and negotiations with the federal government with regard to the effect of federal actions on the coastal programs and policies of the State of Texas.

Definitions

Sec. 3. For the purposes of this Act, unless the context clearly requires otherwise:

(a) "Coastal natural resource areas" means all of the following areas: areas in the Gulf of Mexico within the boundaries of this state; tidal inlets and tidal deltas; bays; lagoons which contain seawater and which have unimpaired connection with the Gulf of Mexico; oyster reefs; grassflats; channels which contain seawater; coastal lakes containing seawater; beaches adjacent to seawater; barrier islands; wind tidal flats; marsh which contains seawater; washover areas; sand dune complexes on the Gulf shoreline; river mouths and tidal streams up to the farthest point of intrusion by seawater; and spoil deposits in direct contact with seawater or located within, upon, or in direct contact with any of the coastal natural resource areas listed above. The term "coastal natural resource areas" shall not include any mainland

53. Vernon's Ann.Civ.St. art. 5415e—1.5, §§
1 to 6.

area where seawater is present only during storms or hurricanes as defined by the Beaufort Wind Scale.

(b) "Natural Resources Council," hereinafter referred to as the NRC, means the Natural Resources Council created by separate enactment of the 65th Legislature, and the successors of such council, if any. In the event that the legislature fails to create the Natural Resources Council, then "Natural Resources Council" means the Interagency Council on Natural Resources and the Environment, and the successors of such council, if any.

(c) "Seawater" means any water containing a concentration of one-twentieth of one percent or more by weight of total dissolved inorganic salts derived from the marine waters of the Gulf of Mexico.

(d) The definition presented in Subsection (a) of this section shall not be admissible in evidence in any court of law for any purpose other than the implementation and construction of this Act unless otherwise agreed by all parties to the case or controversy before the court.

NRC to study coastal problems and issues

Sec. 4. (a) The NRC is hereby authorized and directed to perform such studies of problems and issues affecting the coastal natural resource areas of the state as are in the public interest.

(b) The NRC is directed to prepare and submit to the governor and legislature before March 1 of each even-numbered year a comprehensive report with recommendations for action on problems and issues affecting the coastal natural resource areas of the state. The comprehensive report may include a minority report and recommendations.

(1) Such report shall include:

(i) a short description of the environmental, social, and economic changes in or affecting the coastal natural resource areas of the state during the preceding two years; this description should include changes in boundaries and state or federal coastal policies;

(ii) a statement of the principal problems of state concern in or affecting coastal natural resource areas;

(iii) a statement of the steps recommended by the NRC to resolve identified problems, including additions to or changes in state policies, programs, or statutes affecting coastal natural resource areas, transfers of programs among agencies, and the creation of new programs or elimination of old ones;

(iv) a review of the effectiveness of current programs for implementing state policy affecting coastal natural resource areas;

(v) a report on the success of actions taken by the NRC during the preceding two years, including public hearings, administration of federal grant funds, and specific studies;

(vi) recommended state coastal natural resource research and data acquisition priorities.

(2) The state agencies, university systems, other bodies, or elected officials represented on the NRC shall perform or cause to be performed all research and analyses requested by the NRC for the preparation of such report and transmit such research and analyses to the NRC by such time as is necessary to ensure the timely submission of the NRC's finished report to the governor and legislature.

(3) In the course of preparing such report, the NRC shall receive and consider the oral or written testimony of any person regarding the coastal policies, programs, and procedures of the state. The NRC may reason-

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ably limit the length and format of such testimony and the time at which it will be received. Notice of the period during which such testimony will be received shall be published in the Texas Register not less than 30 days before the commencement of such period.

Governor to report

Sec. 5. The governor shall report to the 66th Legislature on the full effect of this state's seeking the secretary of commerce's final certification of the Texas Coastal Management Program pursuant to Section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. Section 1456).

Repeal

Sec. 6. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict, provided that only those laws or parts of laws expressly in conflict with the provisions of this Act are so repealed.

Emergency

Sec. 7. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the senate on March 23, 1977: Yeas 29, Nays 0; May 27, 1977, senate concurred in house amendments by a viva-voce vote; passed the house, with amendments, on May 20, 1977, by a non-record vote. Approved June 16, 1977.

Effective Aug. 29, 1977, 90 days after date of adjournment.

COASTAL WETLANDS ACQUISITION ACT

CHAPTER 758 ⁵⁴

S. B. No. 578

An Act granting the certifying agency, the General Land Office, the duty and authority to certify those coastal wetlands which are essential to the public interest; providing procedures for certification; exempting certain agricultural lands; granting the acquiring agency, the Parks and Wildlife Department, the authority to acquire fee or lesser interest in such lands and to preserve and manage such lands in the public interest; providing the source of funds to compensate the owners therefor; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Short title

Section 1. This Act may be cited as Coastal Wetlands Acquisition Act.

⁵⁴. Vernon's Ann.Civ.St. art. 5415e—3, §§
1 to 8.